



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicants: Richard J. Melker et al.

Examiner: Vivek Natarajan

Serial No.: 10/751,308

Art Unit: 3735

Filed: 01/02/2004

For: NOVEL SPECIALLY CONFIGURED LIP/CHEEK  
PULSE OXIMETER/PHOTOPLETHYSMOGRAPHY  
PROBES, SELECTIVELY WITH SAMPLER FOR  
CAPNOGRAPHY, AND COVERING SLEEVES FOR SAME

.....  
BOX AMENDMENT - FEE

Commissioner for Patents

P. O. Box 1450

Arlington, Virginia 22313-1450

**PETITION AND FEE FOR EXTENSION OF TIME**

Sir:

Applicants respectfully request a two month extension of time to respond to the Office Action of November 23, 2005, in the application referred to above. Our check in the amount of \$225 is enclosed to cover the fee.

Respectfully submitted,

05/02/2006 AKELECH1 00000021 10751308

01 FC:2252

225.00 OP

Timothy H. Van Dyke

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*FW*

PTO/SB/17 (12-04)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**225.00**

### Complete if Known

Application Number	10/751,308
Filing Date	1/2/2004
First Named Inventor	Richard J. Melker et al.
Examiner Name	V. Natarajan
Art Unit	3735
Attorney Docket No.	10457-041

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims      Extra Claims      Fee (\$)      Fee Paid (\$)      Multiple Dependent Claims  
\_\_\_\_\_ - 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_      Fee (\$)      Fee Paid (\$)  
HP = highest number of total claims paid for, if greater than 20  
Indep. Claims      Extra Claims      Fee (\$)      Fee Paid (\$)  
\_\_\_\_\_ - 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
HP = highest number of independent claims paid for, if greater than 3

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets      Extra Sheets      Number of each additional 50 or fraction thereof      Fee (\$)      Fee Paid (\$)  
\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: **2 Month Extension of Time**

Fees Paid (\$)

**\$225.00**

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) <b>43,218</b>	Telephone <b>407-926-7726</b>
Name (Print/Type)	<b>Timothy H. Van Dyke</b>	Date <b>04/24/2006</b>	

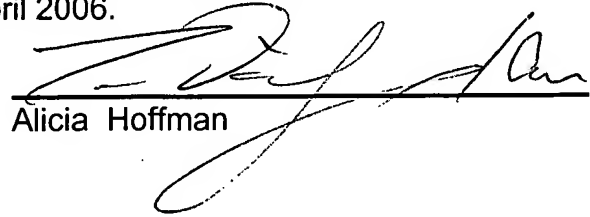
This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that this Petition and Fee for Extension of Time is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Mail Stop Amendment - Fee, Alexandria, Virginia 22313-1450 24<sup>th</sup> day of April 2006.

  
Alicia Hoffman



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Timothy H. Van Dyke